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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,616	01/24/2002	Daniel Neal Costrell	09710-1078	5038

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EXAMINER	
AGDEPPA, HECTOR A	

ART UNIT	PAPER NUMBER
2642	

DATE MAILED: 10/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/053,616	COSTRELL ET AL.	
	Examiner	Art Unit	
	Hector A. Agdeppa	2642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 January 2002*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *24 January 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 6, 12, 13, and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 6 and 12 recite the limitation "said call received message." There is insufficient antecedent basis for this limitation in the claim. Claims 5 and 11 respectively are drawn to receiving a call arrival message. For examination purposes it will be assumed that applicant meant for "said call received message" to apply to this received call arrival message.

Claims 13 and 14 recite the limitation "said data structure." There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 4, 5, 8 – 11, 13,14, 16 – 18, and 20 are rejected under 35 U.S.C. 102(b) as anticipated by US 4,310,726 (Asmuth) or, in the alternative, under 35 U.S.C. 103(a) as obvious over US 4,310,726 (Asmuth) in view of Needham et al.

As to claims 1, 2, 8, 9,13, 14, 16, and 20, Asmuth teaches a system and method of identifying a calling station at a call terminating facility wherein a calling party 10 initiates, read as the claims first request, a 911 call, wherein calling party 10 has associated therewith a first ANI and "911" is read as the claimed first dialed number. (Fig. 1, Col. 4, line 52 – Col. 5, line 7, Col. 5, line 52 – Col. 6, line 3 of Asmuth)

Asmuth further teaches selecting a first fictitious number, read as the claimed first code, from a pool of fictitious numbers, the numbers corresponding to a primary and secondary public service answering point (PSAPs 13 and 14 respectively) or simply a primary PSAP 13. (Col. 6, line 4 – Col. 7, line 9 of Asmuth) Note that any "911" or emergency call must ultimately be directed and terminated at a PSAP and therefore, a fictitious number corresponding to a PSAP inherently corresponds to the first dialed number which is "911."

Asmuth further teaches forwarding the initial request to the first PSAP including the first fictitious number. Because it is to the request the first fictitious code is selected, this step reads on the claimed "returning" aspect, even though the request is forwarded to another system element. (Col. 7, line 47 – Col. 8, line 7 of Asmuth)

However, Asmuth, as discussed above, teaches that there may be a secondary PSAP, in which case, a local office 22 requests from the first or primary PSAP 13 a fictitious number and one is returned to PSAP 13 and/or local office 22 corresponding to

the secondary PSAP 14. (Fig. 1, Col. 4, lines 17 – 30, Col. 8, line 37 – Col. 9, line 8 of Asmuth) This step too, then reads on the claimed "returning" step.

Note that TSPS 16, Toll office 21, local office 22, database 20, and PSAPs 13 and 14 alone or together, read on the claims call response system inasmuch as it is these system elements, either alone or together that respond to a 911 call from calling party 10 or 11. (Fig. 1, Col. 6, lines 4 - 66 of Asmuth) Moreover, the above-discussed fictitious numbers are stored and accessed from a fictitious number table(s) 44 – 46 , read as the claimed data structure (Figs. 2 – 5, Col. 6, line 15 – Col. 8, line 67 of Asmuth)

Note that in Fig. 1, both calling parties 10 and 11 are served by the same local office 12. While not specifically discussed, local office 12 could be a PBX or a scenario could arise wherein two or more calls are received from one of either calling party 10 or 11. In either scenario, the call request would have the same ANI and dialed number, i.e. "911." Again, while Asmuth does not specifically discuss such a scenario, it is one that would arise in the system and therefore, the remaining limitations would inherently be covered by Asmuth. Note as well that in a scenario wherein a first 911 call is directed towards the police and a second 911 call is directed to the fire department, identifying these first and second calls is necessary so that the calls can be routed to the appropriate PSAP. (Col. 4, lines 52 – 64 of Asmuth) Therefore, because as discussed above, each 911 call is assigned a fictitious number, the first and second calls can be uniquely identified.

In the alternative, Needham et al. teaches a system and method for a multi-line system emergency call which solves the problem of identifying a first and second call having the same pilot number, i.e., ANI. (Col. 1, lines 19 – 18 of Needham et al.)

It would have been obvious for one of ordinary skill in the art at the time the invention was made to have combined the teachings of Needham et al. and Asmuth inasmuch as the PBX 16 of Needham et al. (Fig. 1, Col. 2, lines 21 – 45 of Needham et al.) from which a first and second calls could originate from would be analogous to the local office 12 of Asmuth (Fig. 1 of Asmuth). Therefore, the scenarios discussed above could occur. Moreover, a problem that Asmuth seeks to solve is the same as the problem Needham et al. seeks to solve, i.e., the inability to identify automatically a call station. (Col. 3, lines 21 – 34 of Asmuth)

As to claims 4, 5, 10, 11, 17, and 18, Asmuth teaches flagging, read as the claimed storing an indication, any fictitious numbers being used as busy to prevent another call from being associated with a taken fictitious number. (Col. 7, lines 33 – 39 and Col. 8, lines 60 – 65 of Asmuth) It is inherent or at the least obvious that a determination is also made or is made in conjunction with the above, when a fictitious number is being assigned, i.e., pending. The purpose of what Asmuth teaches is the same as what the present invention teaches, i.e., that because codes or fictitious numbers are selected from a pool and once the call is complete, returning the code or fictitious number to that pool, the system must make sure that the code or fictitious number being chosen is not already taken. (Col. 3, line 65 – Col. 4, line 3 of Asmuth)

Again, this limitation is merely a question of timing or state at which the determination is made to see whether a code is idle or not. Eventually a pending code will become a busy code and if the determination is to be made during a pending state, the pending state must be cleared for a busy state. Otherwise, there will be confusion as to whether or not a code or fictitious number can be selected/assigned.

Note as well that in any telephony system, there is an exchange of call processing/routing messages, and the claimed call arrival message is inherent. The actual call request discussed above is a message and in order for the system elements such as the local offices, toll offices, etc. to continue processing calls, these messages much be sent and acknowledged and responded to.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 4,310,726 (Asmuth) or, in the alternative, over US 4,310,726 (Asmuth) in view of Needham et al., and further in view of US 6,415,018 (Antonucci et al.)

As to claim 3, interactive voice response systems (IVRs) are extremely old and well known in the call center/ACD and emergency arts. IVRs are simply used to receive calls w/o human operators or agents or as a primary tool before reaching a human operator or agent. While Asmuth does not specifically discuss using an IVR, one would simply be inserted or integrated with PSAPs 13 and 14 and used, again, to process calls. It would have been obvious for one of ordinary skill in the art at the time the invention was used to have implemented an IVR in the systems of either Asmuth or Needham et al. inasmuch as it would not affect the core operation/call routing aspect discussed above. Again, it would merely provide an old and well known convenient means for first processing an incoming emergency call. Many times, if one calls 911, a message is played to the caller stating something along the lines of "would you like the police of the fire department, " or "please hold, we are connecting your call." These are all examples of IVR systems.

Beyond examiner's own experience and what is generally known in the art, Antonucci et al. teaches an emergency call handling system and method wherein it is

discussed specifically, that IVRs are known in the call center/ACD/emergency arts. (Col. 7, lines 39 – 53 of Antonucci et al.)

4. Claims 6, 12, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 4,310,726 (Asmuth), or in the alternative, over US 4,310,726 (Asmuth) in view of Needham et al., and further in view of US 6,556,659 (Bowman-Amuah) and applicant's admitted prior art.

Network Call Identifiers or NCIDs are old and well known in the art and simply another or additional method that serves to identify a call as it progresses through a telephony network. Bowman-Amuah teaches such a system wherein NCIDs are used to identify calls. (Col. 33, line 15 – Col. 39, line 23 of Bowman-Amuah) Moreover, applicant, in the specification for the present invention admits that NCIDs are known in the art and may be used in known prior art systems. (P. 1 of applicant's specification for the present invention.)

It would have been obvious for one of ordinary skill in the art at the time the invention was made to have allowed for the use of NCIDs in the systems of Asmuth and/or Needham et al. inasmuch as it is merely another known method of uniquely identifying calls. Neither Asmuth nor Needham et al. require specific networks or types of telephony network elements. For example, local offices and the network taught by Asmuth can be any type of switch, standard, intelligent network, etc. Needham et al. merely discusses a PBX in a PSTN environment. It is known that the PSTN can be a standard POTS system, an advanced intelligent network (AIN) system, a broadband

system involving data or packet transmission, or a hybrid of these or others environments. Therefore, the use of NCIDs could be used by either system without affecting the core operation of properly identifying and routing emergency calls.

See also the rejection of claims 4 and 5 regarding the call arrival message and note that Bowman-Amuah teaches that the NCID is transported and recorded at each switch or element involved with a telephone call. Therefore, mapping the NCID to a call arrival message is inherent.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 4,310,726 (Asmuth), or in the alternative, over US 4,310,726 (Asmuth) in view of Needham et al., and further in view of applicant's admitted prior art.

As to claims 7 and 21, such a limitation is merely a conventional call processing method wherein there is no provision for duplicate calls. This is taught by applicant on P. 8 of the specification for the present invention. In Asmuth and/or Needham et al., if the call is not an emergency call, then there will be a second dialed number that does not need to be processed with a fictitious number as it is not directed to a PSAP. Therefore, the standard DNIS or dialed number will be used in completing the call. Inherently, there is a determination made that no pool of fictitious numbers is needed because it is not an emergency call. This would be performed by TSPS 16. (Col. 5, lines 52 – 66 of Asmuth)

6. Claims 15 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 4,310,726 (Asmuth) or, in the alternative, over US 4,310,726 (Asmuth) in view of Needham et al., and further in view of applicant's admitted prior art and US 6,415,018 (Antonucci et al.)

As to claims 15 and 21, see the rejection of 1, 3, and 7 and note that parking is the equivalent of queuing, and as discussed above, would be encountered in any call center/ACD/PSAP. Moreover, the claimed park response is inherent or at the least obvious in a system that allows call queuing because the park response is equivalent to a call arrival response except it is associated with a queued call instead of a call that can be immediately connected. See again Col. 7, lines 39 – 53 of Antonucci et al.) Moreover, the DNIS override digits are another term used by applicant to refer to the already-discussed claimed codes.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 3,789,153 (Malm) teaches that call parking is analogous to call queuing. US 6,289,083 (Ray) teaches a method of identifying a location of a source of an emergency call in a call center environment. US 6,674,849 (Froeberg) teaches a telephone providing directions to a location. US 6,680,998 (Bell et al.) teaches providing private network information during emergency calls.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hector A. Agdeppa whose telephone number is 703-305-1844. The examiner can normally be reached on Mon thru Fri 9:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar can be reached on 703-305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

H.A.A.
October 19, 2004

HECTOR A. AGDEPPA
PATENT EXAMINER